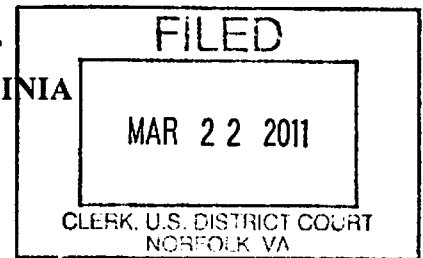


UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division



WILLIAM E. JONES, JR., #189783,

Petitioner,

v.

ACTION NO. 2:10cv255

HAROLD W. CLARKE,
Director of the Virginia
Department of Corrections, et al.,

Respondents.

FINAL ORDER

Petitioner, a Virginia inmate, submitted a pro se petition, pursuant to 28 U.S.C. § 2254 alleging violation of federal rights pertaining to an “erroneous sentence calculation” following convictions on February 1, 2006, in the Circuit Court for the City of Suffolk for unauthorized use, failure to return rental property, misdemeanor assault, and violation of probation. The matter was referred to a United States Magistrate Judge pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia for report and recommendation. The Report and Recommendation filed February 11, 2011, recommends the petition be denied as barred by the statute of limitations and Respondents motion to dismiss be granted. Each party was advised of his right to file written objections to the findings and recommendations made by the Magistrate Judge. On March 1, 2011, the Court received Petitioner’s Objections to the Report and Recommendation.


The Court, having reviewed the record and examined the objections filed by Petitioner to the Report and Recommendation, and having made de novo findings with respect to the portions

objected to, does hereby adopt and approve the findings and recommendations set forth in the Report and Recommendation filed February 11, 2011. It is, therefore, ORDERED that the petition be DENIED and DISMISSED. It is further ORDERED that judgment be entered in favor of Respondent.

Petitioner has failed to demonstrate "a substantial showing of the denial of a constitutional right," therefore, the Court declines to issue any certificate of appealability pursuant to Rule 22(b) of the Federal Rules of Appellate Procedure. See Miller-El v. Cockrell, 123 S.Ct. 1029, 1039 (2003).

Petitioner is hereby notified that he may appeal from the judgment entered pursuant to this Final Order by filing a written notice of appeal with the Clerk of this court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510, within 30 days from the date of entry of such judgment.

The Clerk shall mail a copy of this Final Order to Petitioner and counsel of record for Respondent.

_____/s/ 
Jerome B. Friedman
United States District Judge

Norfolk, Virginia
March 22, 2011